

HOUSE BILL 665

By Baird

AN ACT to amend Tennessee Code Annotated, Title 37,
Chapter 1 and Title 49, Chapter 6, relative to
mental health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(a), is amended by deleting subdivision (2) in its entirety and substituting instead the following language:

(2) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, or any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations the court prescribes.

(A) If the adjudication of delinquency was for an offense involving first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, and if school attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency, the court shall make a finding that the principal of the child's school shall be notified. The court shall then enter an order directing the youth services officer, probation officer, or the state agency if the child has been committed to the custody of the state agency, to notify in writing the school principal of the nature of the offense and the probation requirements, if any, related to school attendance,

within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first.

(B) If the court orders the child to complete an inpatient mental health treatment program at a hospital or treatment resource as defined in § 33-1-101, the principal of the child's school must develop a transition plan within five (5) days of notice by the court for the child's return to school. The transition plan shall set out a list of goals that must be accomplished by the child including a reasonable basis for the goals, a schedule for completion of the goals and the personnel that will be responsible for working with the child to complete the goals. If release of information documents in compliance with title 33, part 3 are executed, the principal and designated school personnel may work with the child's mental health provider to develop this plan. Such information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may be otherwise required by law. Such notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subdivision (a)(2)(B), shall not become a part of the child's student record. A violation of this confidentiality provisions of this subdivision (a)(2)(B) is a Class C misdemeanor;

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following language as a new section thereto:

§ 49-6-3114.

(a)

(1) If the child enters an inpatient mental health treatment program at a hospital or treatment resource and, upon leaving that hospital or treatment resource, such child is believed to pose a substantial likelihood of serious harm as defined in § 33-6-501, the principal of the child's school upon actual notice must develop a transition plan for the child's return to school. The transition plan shall set out a list of goals that must be accomplished by the child including a reasonable basis for the goals, a schedule for completion of the goals and the personnel that will be responsible for working with the child to complete the goals. If release of information documents in compliance with title 33, part 3 are executed, the principal and designated school personnel may work with the child's mental health provider to develop this plan.

(2) If the hospital or treatment resource is of the belief that a child leaving a voluntary treatment program poses a substantial likelihood of serious harm as defined in § 33-6-501 in addition to the duties in § 33-3-207 it is the duty of such hospital or treatment resource to warn the principal of the school the child will be attending of such belief so the principal may develop the transition plan accordingly.

(b) Such information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may be otherwise required by law. Such notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to subsection (a), shall

not become a part of the child's student record. A violation of this confidentiality provisions of this subsection (b) is a Class C misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 49-6-3102, is amended by designating all of the language in subsection (a) as subdivision (a)(1) and by adding the following language as a new subdivision (a)(2):

(2) The board of education of each local school system is not required to provide for the enrollment in a public school system under its jurisdiction of a child for whom a transition plan is required pursuant to § 37-1-131 or § 49-6-3114, unless such transition plan has been developed.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.